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C O R R E C T E D C O P Y (PARA RENUMBERED)

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KINSHASA PASS TO BRAZZAVILLE

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TRACK

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Classified By: POL/ECON Jim Wojtasiewicz, reasons 1.4 (B) and (D).

11. (C) Summary. What can the United States do to try to break the current gridlock in the Cote d'Ivoire peace process? We suggest that the United States consult with France and the UK and together with those governments jointly approach the African Union (AU) to urge that African leaders re-engage robustly in the Cote d'Ivoire peace process, to share our thinking on how the current transition arrangements can be improved upon after October, and to urge that the AU take the lead in proposing sanctions against Ivoirians who block the peace process. We believe it would greatly improve upon current arrangements for the Prime Minister to be given enhanced powers, especially control over the defense and security forces, although that gets deeply into constitutional questions, and for the authority of the UN High Representative for Elections (HRE) to arbitrate disputes over electoral procedures to be reinforced. End Summary.

12. (C) What can the United States do to try to break the current gridlock in the Cote d'Ivoire peace process (reftel)? The main Ivoirian political actors have largely abandoned the peace and reconciliation process and are eyeing each other suspiciously as they jockey for position in the post-October transition. International, particularly AU, efforts to move the peace process forward have also lost momentum. However, African diplomatic efforts to address the Cote d'Ivoire crisis forward have met with some success in the past, and the Africans probably have the best chance of getting it back on track now. The international community will also look to the AU to take the lead in coming up with a plan for the post-October transition, as they did a year ago.

13. (C) However, at the moment African diplomacy is almost nowhere to be seen. The current chairman of the AU, Republic of the Congo President Sassou-Nguesso, has been here once, to engineer a vague agreement on simultaneous disarmament and identification that the Gbagbo camp repudiated as soon as Sassou left. His foreign minister, Rodolphe Adada, comes here once a month for the IWG meetings, arriving just before the meeting and leaving right after it. It was almost a year ago that the AU's Peace and Security Commission concluded that the South African President Mbeki's efforts as mediator had lost momentum, but the AU left him in the job. Mbeki's ability to mediate has been significantly undercut by the

refusal of both the FN and the political opposition to meet with his emissaries as they consider him too pro-Gbagbo. Mbeki's most recent ruling on the role of the National Institute of Statistics (INS) in the electoral process, siding with Gbagbo's interpretation of Pretoria II, will only fuel those suspicions.

¶4. (C) We suggest, therefore, that the United States together with France and perhaps the UK, approach the AU to:

-- urge the AU to robustly re-engage in the Cote d'Ivoire peace process;

-- underscore that the international community will look to the AU to take the lead in proposing a plan for the post-October transition;

-- share our thinking about how the current arrangements can be improved upon after October; and

-- urge the AU to take the lead in proposing sanctions against those Ivoirians who block the peace process, instead of resisting those sanctions as they are doing now.

¶5. (C) What should the post-October plan look like? Both the Gbagbo Camp and the opposition are advancing the same arguments they put forth in 2005: Gbagbo maintains that he is President until elections take place, whereas the FN and the political opposition are rejecting any extension of President Gbagbo's term in office. African ambassadors in Abidjan tell us that the AU has little appetite for the international community to intervene here more intrusively than it already has, so they will probably propose mostly a rollover of the current arrangements.

¶6. (C) How can those arrangements be improved upon? Enhanced powers for the Prime Minister should be spelled out and, if necessary reconciled with the constitution. In retrospect, this was probably the single biggest flaw in the transition

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institutional arrangements. The international community made clear its intention that the transition prime minister should have enhanced powers, but they were never spelled out, the question of how these enhanced powers could be reconciled with the constitution was not addressed, and he did not get them. In reality, the only enhanced powers Banny has, compared with his predecessor Seydou Diarra, are somewhat better powers of persuasion. Banny got off to a fairly good start, but now he appears in danger of running out of steam perhaps in no small part because the will to compromise has disappeared among the main political actors. It does not help, of course, that Banny himself does not indicate how the international community can best support him.

¶7. (C) As long as PM Banny does not control the defense and security forces, his authority is largely derivative from the Presidency. The security forces continue to play an ambiguous role in the peace process. Sometimes they seem to side with the PM, and sometimes they actively side with the street toughs associated with President Gbagbo. For example, most recently the security forces refused to provide security for the mobile courts identifying undocumented Ivoirians and foreigners born in Cote d'Ivoire, and there were a number of deaths in demonstrations by the militias against these courts. The reluctance of the defense and security forces to confront the militias fosters the latter's sense of impunity and makes the entire peace process hostage to street thuggery. However, control of the security forces is a constitutional question, and Gbagbo will strongly resist relinquishing control of the defense and security forces, especially if this means he will no longer be able to call out his street militias to intimidate the opposition.

¶8. (C) In a similar vein, the authority of the UN High Representative for elections (HRE) to arbitrate disputes

should be reinforced. The new HRE, Gerard Stoudmann, is bolder than his predecessor, but he faces a daunting array of obstacles, and he has little leverage to push them aside. UNSCR 1603, which established the HRE position, does state, in paragraph 7(b), that he has the authority to "make necessary determinations," but it should be made more explicit that this means he can and should arbitrate disputes among the Ivoirians over electoral procedures. Again, it may take a considerable amount of African arm-twisting to persuade Gbagbo to accept this, but we see no other way forward. Otherwise the electoral process will remain mired in endless procedural squabbles.

¶9. (C) Comment. We realize this is a lot to ask of the AU. However, the AU has sought to take the lead position on the Cote d'Ivoire crisis, with the UN Security Council playing a supportive role. The peace process is breaking down and needs urgent attention. France clearly cannot take the lead role, and neither can the European Union, which is seen in Cote d'Ivoire as dominated by France on issues relating to Cote d'Ivoire. In the absence of outside help, Cote d'Ivoire will continue to remain adrift. The USG can best meet its objective of a stable and prosperous Cote d'Ivoire by contributing ideas and political backing to the AU. End Comment.

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